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Rules, Regulations, Orders

TITLE 7—AGRICULTURE

AGRICULTURAL ADJUSTMENT ADMINISTRATION

[ACP-99—Revised]

AMENDED REGULATIONS PERTAINING TO THE MAKING OF ADVANCES TO PERSONS TO ENABLE THEM TO OBTAIN INSURANCE FROM THE FEDERAL CROP INSURANCE CORPORATION

By virtue of the authority vested in the Secretary of Agriculture by the Act entitled, "An Act to amend section 12 of the Soil Conservation and Domestic Allotment Act, as amended," approved March 25, 1939, I, F. W. Reichelderfer, Acting Secretary of Agriculture, do make, prescribe, publish, and give public notice of the following regulations covering the making of advances to persons for the purpose of assisting them to insure their crops with the Federal Crop Insurance Corporation, which amend and supersede the regulations entitled "Regulations Pertaining to the Making of Advances to Persons to Enable Them to Obtain Insurance From the Federal Crop Insurance Corporation," approved and issued by the Secretary of Agriculture under the date of March 29, 1939.¹ These regulations are to be in force and effect until amended or superseded by regulations hereafter made by the Secretary of Agriculture under said provisions of law.

Done at Washington, D. C., this 22d day of July 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL] F. W. REICHELDERFER,
Acting Secretary of Agriculture.

§ 1. *Definitions.* As used herein and in all forms and documents relating to the making of advances to persons to enable them to obtain insurance from the Federal Crop Insurance Corporation (hereinafter referred to as an advance), unless the context or subject matter otherwise requires, the terms:

(a) *Secretary, Administrator, Regional Director, State committee, county committee and person* shall have the meanings assigned to them in the Agricultural Conservation Program Bulletin issued for the crop year with respect to which a person applies for insurance with the Federal Crop Insurance Corporation.

(b) *The Corporation* means the Federal Crop Insurance Corporation.

§ 2. *Eligibility for an advance.* In order to be eligible to request an advance a person at the time of making such request,

(1) must file, or have previously filed with the county committee, the application for crop insurance to which the request for advance relates;

(2) must be participating, or agree to participate, in the Agricultural Conservation Program relating to the crop year to which the application for insurance relates, to such an extent that the sum of the estimated payment to be earned under such program and the estimated payments, if any, earned or to be earned under any other programs administered by the Department of Agriculture with respect to the same or preceding crop years, less (a) the pro rata deduction, if any, for county association expenses, (b) the amount of the conservation payment which has been assigned, and (c) the sum of such person's indebtedness to the Agricultural Adjustment Administration and to the various agencies and departments of the Federal Government as set forth in the Order Governing Set-offs Revised by the Secretary of Agriculture, October 25, 1936, is at least equal to the amount for which the request for advance is made; this amount of payment is hereinafter referred to as "net payment";

(3) must authorize the Secretary to deduct the amount of the advance from any payment to which such person then or thereafter becomes entitled under any program administered by the Department, must agree, upon notice from the Secretary or his agent, to repay the amount of advance owing to the Secretary at the time of such notice, and must agree that the Secretary has a right to and interest in all indemnities payable

CONTENTS

RULES, REGULATIONS, ORDERS

TITLE 7—AGRICULTURE:

Agricultural Adjustment Administration: Page

Advances to persons to enable them to obtain insurance from Federal Crop Insurance Corporation..... 3409

TITLE 10—ARMY: WAR DEPARTMENT:

Military reservations, commanding officer..... 3410

TITLE 14—CIVIL AVIATION:

Civil Aeronautics Authority:
Temporary suspension of service under certificates authorizing interstate air transportation..... 3411

TITLE 17—COMMODITY AND SECURITIES EXCHANGES:

Securities and Exchange Commission:
Application for registration as national securities association or as an affiliated securities association..... 3412
Amendatory and/or supplementary statement to..... 3412
Annual consolidated supplement to..... 3412

TITLE 24—HOUSING CREDIT:

Home Owners' Loan Corporation:
Income producing reconditioning..... 3412

TITLE 31—MONEY AND FINANCE: TREASURY:

Public Debt Service:
Commodity Credit Corporation % Notes of Series D, offering of..... 3412

TITLE 32—NATIONAL DEFENSE:

National Munitions Control Board, Department of State:
Tin-plate scrap, issuance of licenses for exportation during 1939..... 3413

(Continued on next page)

¹ 4 F.R. 1377 DL.



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CONTENTS—Continued

TITLE 33—NAVIGATION AND NAVIGABLE WATERS:

War Department:	Page
Delaware River, Del., anchorage regulations.....	3413

NOTICES

Civil Aeronautics Authority:	
Erie Isles Airways Co., Inc., hearing postponed.....	3416
United Air Lines Transport Corp., hearing (2 notices).....	3416
Department of Agriculture:	
Forest Service:	
Widtsoe Project, Utah, land transfer for administration, etc.....	3415
Department of Commerce:	
Bureau of Marine Inspection and Navigation:	
Executive Committee of the Board of Supervising Inspectors, notice of meeting.....	3415
Department of Labor:	
Wage and Hour Division:	
Exemption of spring freshet driving of lumber (Mich., Minn., Wis.) from maximum hours provisions.....	3415
Learners, employment of, issuance of special certificates for.....	3415
Federal Power Commission:	
New England Power Co., application notice.....	3416
Rural Electrification Administration:	
Allocation of funds for loans.....	3416

CONTENTS—Continued

Securities and Exchange Commission:	
Applications granted to strike from listing and registration:	Page
American Express Co.....	3418
Colonial Beacon Oil Co.....	3418
Wells, Fargo and Co.....	3418
Minnesota Utilities Co., and American Utilities Service Corp., declaration and amended application.....	3417
Petoskey Gas Co., and American Utilities Service Corp., exemption etc., order.....	3417
Unity Gold Corp., registration statement amendments.....	3416
Washington and Suburban Cos., hearing.....	3418
Treasury Department:	
Federal Alcohol Administration Division:	
Distilled spirits labelling and advertising, decision on certain proposed amendments to Regulations No. 5.....	3414

under insurance contracts issued to him by the Corporation to the extent of the amount of the advance owing to the Secretary at the time claim for any such indemnity is made;

(4) must agree that the authorization for deduction from payments and indemnities, as set forth in (3) above, shall apply to payments and indemnities due him which are made to his successor in interest because of death, incompetency, insolvency or bankruptcy.

§ 3. *Request for advance.* An advance will be made only upon request therefor submitted through the county office on a prescribed form. A request form shall be filed for each application for insurance for which an advance is desired: *Provided, however,* That if, subsequent to filing such a request, a person desires to increase his insurance coverage under an insurance contract for which an advance was previously requested, he may file a supplemental request for advance of the additional amount of premium.

§ 4. *Manner of payment.* The amount of advance approved by the appropriate State Office of the Agricultural Adjustment Administration will be remitted by the Secretary directly to the Corporation. In the event the amount of the advance so remitted to the Corporation is in excess of the amount of premium due, the excess will be returned by the Corporation to the Secretary and the applicant's account credited with such amount: *Provided, however,* That, if the Secretary has been reimbursed for the amount of the advance, the excess will be returned to the applicant, and, if the

Secretary has been reimbursed for a portion of the amount of the advance, the amount of excess needed to reimburse the Secretary for the entire amount of advance will be returned to the Secretary for the applicant's account and the remainder will be returned to the applicant.

§ 5. *Forms and instructions.* The Agricultural Adjustment Administration shall prescribe such forms and issue such instructions as may be necessary to carry out these regulations.

§ 6. *Signatures and authorization.* The provisions of ACP-16, "Instructions on Signatures and Authorizations," are hereby made a part of these regulations.

[F. R. Doc. 39-2715; Filed, July 24, 1939; 11:46 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER V—MILITARY RESERVATIONS AND NATIONAL CEMETERIES

PART 52—REGULATIONS AFFECTING MILITARY RESERVATIONS

Commanding Officer¹

§ 52.19 *Duties, general.*—(a) *Emergency issue of subsistence to destitute persons.* Subsistence to destitute persons to relieve starvation or extreme suffering will be issued by the commanding officer as prescribed in paragraph 9, AR 30-2210.²

(b) *Quarters for civilians.* The commanding officer may grant permission to servants and civilian employees to occupy such quarters as are available.

(c) *Aid to mail contractors.* Commanding officers will assist mail contractors by furnishing them with Government transportation, provided it can be spared without detriment to the service, when, through accident or unavoidable causes, a mail contractor is deprived of the necessary means to fulfill his contract. Such assistance will cease as soon as the contractor can, by exercise of proper diligence, resupply himself with transportation. Receipts for the transportation loaned will be taken, which, in the event of its loss or damage, will be forwarded with a report of facts to The Adjutant General in order that the expense involved may be collected through the Post Office Department.

(d) *Use of Government airdromes or landing fields for privately owned aircraft.* (1) Owners of private aircraft will not be permitted to use any active Government airdrome as a base. The use of such airdrome by operators of private aircraft may, however, be permitted, in the discretion of the commanding officer of the post, upon condition that

¹ These regulations supersede Sections 52.19 and 52.20, Chapter V, Title 10, Code of Federal Regulations.

² Administrative regulations of the War Department relative to rations.

the aircraft is not operated for profit, that it is housed in privately owned hangars not located on Government land, and that assistance will not be required from the personnel of the post as to maintenance, repair, or operation.

(2) In the case of Government-owned airdromes announced from time to time as being on an inactive status, operators of private and commercial aircraft may be permitted, when airdrome facilities are available, to use such facilities, subject, however, in each case to the approval of the War Department and under such regulations as are now or may hereafter be prescribed.

(3) With regard to airdromes leased by the Government, owners of private and commercial aircraft may obtain permits from the lessor to use the facilities at such airdromes under the rules and regulations that apply to the use of the airdromes by Army organizations. In all cases, however, this permit must have the approval of the War Department.

(4) Operators of aircraft making use of the facilities at any Air Corps airdrome will be required to conform to the local rules and regulations in force at that post.

(5) While owners of private aircraft are not permitted to use any Government airdrome or landing field as a base, the commanding officer may in an emergency permit them to use such landing field, provided the aircraft require no Government supplies or property.

(e) *Construction of buildings other than public.* No buildings other than public will be erected or constructed on military reservations unless authority is granted by the Secretary of War under a revocable license in which the conditions for occupancy will be clearly set forth. Exceptions may be made with respect to unimportant and temporary structures such as are necessary and incident to the work of contractors on Government work, provided that such temporary buildings will be removed at the expiration of the permit. It is the policy of the War Department to eliminate as promptly as practicable all temporary structures on military reservations. The Panama Canal, Hawaiian, Philippine, and Puerto Rican Departments are excepted from these provisions in view of the special situations in those departments. See also section I, A.R. 30-1425.³

(f) *Welfare.*—(1) *Young Men's Christian Association.* (i) At posts where Young Men's Christian Association buildings have been constructed pursuant to the act of May 31, 1902 (32 Stat. 282); 10 U.S.C. 1346; the Young Men's Christian Association will be permitted to continue to conduct thereat helpful physical, intellectual, and nonsectarian religious activities. The commanding officer will assist and facilitate these activities in such ways as he may deem appropriate and desirable.

(ii) *Duly appointed secretaries of the association serving at such posts will be permitted to purchase from the quartermasters such necessary supplies as are available.*

(2) *American National Red Cross.* The activities of the American National Red Cross at posts will be as prescribed or implied in A.R. 850-75,⁴ and the commanding officer will assist and facilitate such activities in every appropriate manner.

(g) *Granting use of water to certain nonmilitary agencies.* At a few posts the Secretary of War has authorized in particular cases the establishment and maintenance by religious, fraternal, or benevolent organizations, of chapels and other facilities for service in or with the Army. Commanding officers will grant to such authorized establishments the use of water and sewer facilities within the posts, provided that the water supply is ample, that the facilities are adequate, and that the granting of these privileges will involve no expense to the Government.

(h) *Competition with civilian enterprises.* (1) The commanding officer will be charged with the responsibility that no enlisted man of his command shall be detailed, ordered, or permitted to leave his post to engage in any pursuit, business, or performance in civil life, for emolument, hire, or otherwise, when it will interfere with the customary employment and regular engagement of local civilians in the respective arts, trades, or professions.

(2) He will prohibit the use of military personnel or civilian employees of the Army, during normal working hours, in conducting cooperatives (other than post exchanges) which operate in competition with civilian enterprises. (R.S. 161; 5 U.S.C. 22) [Pars. 12, 14e, 16b, 22, 24, 32c and d, 33, and 36, A.R. 210-10, July 1, 1939]

§ 52.20 *State fish and game laws—*

(a) *Jurisdiction.* The fish and game laws of a State are not operative on a military reservation over which the United States has exclusive jurisdiction unless authorized to that effect, and a State or local official who attempts at any time to enforce such State laws thereon will be directed to desist from such attempted enforcement. Should he persist therein he will be removed from the reservation.

(b) *Permits.* All permits to hunt, catch, trap, or kill any kind of game animal, game or nongame bird, or to fish on a military reservation or the waters thereof will be issued by the commanding officer. (R.S. 161; 5 U.S.C. 22) [Par. 37, A.R. 210-10, July 1, 1939]

[SEAL]

E. S. ADAMS,

Major General,

The Adjutant General.

[F. R. Doc. 39-2707; Filed, July 24, 1939; 9:36 a. m.]

⁴Administrative regulations of the War Department relative to employment of the American Red Cross.

TITLE 14—CIVIL AVIATION

CIVIL AERONAUTICS AUTHORITY

[Regulation 401-K-1]

TEMPORARY SUSPENSION OF SERVICE UNDER CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AUTHORIZING INTERSTATE AIR TRANSPORTATION

At a session of the Civil Aeronautics Authority held at its office in Washington, D. C. on the 21st day of July 1939.

Acting pursuant to the Authority vested in it by the Civil Aeronautics Act of 1938, particularly sections 205 (a) and 401 (k) thereof, and finding that this action is necessary and appropriate to carry out the provisions of the Act, and is required by the public interest, the Civil Aeronautics Authority hereby makes and promulgates the following regulation:

(a) The holder of a certificate of public convenience and necessity authorizing interstate air transportation (hereinafter called a "Certificate") may at any time file with the Authority an application for the approval of the temporary suspension of service to any point named in the Certificate. Such application shall be conspicuously entitled "Application for Order Authorizing Temporary Suspension of Service," shall state the facts on which it is based, and shall include the names and addresses of the persons upon whom a copy of such application was served. The execution, number of copies, and verification of an application filed hereunder, and the formal specifications of papers included in an application, shall be in accordance with the requirements of the "Rules of Practice Under Title IV and Section 1002 (d) to (i) of the Civil Aeronautics Act of 1938" relating to applications generally. At the time the application is filed a copy shall be served by personal service or registered mail upon the chief executive of such point, each scheduled air carrier which regularly renders service to such point, and, if the Certificate authorizes the holder to engage in the transportation of mail to or from such point, upon the Postmaster General, marked for the attention of the Division of Air Mail Service. Each copy so served shall be accompanied by a letter of transmittal stating that such service is being made pursuant to Regulation 401-K-1 of the Authority.

The Authority may by order (hereinafter called a "Service Suspension Order") grant an application if it finds that the temporary suspension of service to such point is in the public interest. The Authority may by order at any time revoke or amend a Service Suspension Order.

(b) Without obtaining from the Authority a Service Suspension Order pursuant to paragraph (a) of this regulation, the holder of a Certificate may

(1) temporarily suspend service to a point named in such Certificate during such time as the air carrier operating

³Administrative regulations of the War Department relative to construction.

certificate together with the operation specifications of the holder do not authorize service to such point through the airport and with the type of aircraft last regularly used by the holder to serve such point.

(2) In the case of a point named in a Certificate issued pursuant to section 401 (d) or section 401 (e) (2) of the Act and which has never been regularly served by the holder after the date of issuance of the Certificate, temporarily suspend service to such point during such time as the air carrier operating certificate together with the operation specifications of the holder do not authorize service to such point through any airport convenient thereto with any type of aircraft then being regularly used (or, if the holder is not operating, proposed to be used) by the holder for scheduled operations between other points named in such Certificate, or

(3) In the case of a point named in a Certificate issued pursuant to section 401 (e) (1) of the Act, continue temporarily to suspend service to such point if service to such point has been suspended during the thirty days immediately preceding the effective date of this regulation.

With respect to any such point the Authority may by order at any time revoke or amend the authority conferred on the holder by this paragraph (b).

(c) Before issuing, amending, or revoking any order pursuant to this regulation the Authority may require that a hearing be held with respect thereto.

(d) The temporary interruption of service to a point named in a Certificate caused by adverse weather conditions or by other conditions which the holder could not reasonably have been expected to foresee or control shall not be deemed to have caused a temporary suspension of service to such point within the meaning of such Certificate or this regulation.

(e) The Authority may by order or otherwise authorize such other temporary suspension of service as it may deem in the public interest.

(f) Nothing in this regulation shall be construed as prohibiting or restricting the holder of a Certificate from landing or taking off in an emergency at a point not named in its Certificate.

(g) This regulation shall become effective on July 31, 1939.

By the Authority.

[SEAL]

PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 39-2719; Filed, July 24, 1939;
12:12 p. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES SECURITIES AND EXCHANGE COMMISSION

SECURITIES EXCHANGE ACT OF 1934
ADOPTION OF FORM X-15AA-1

Form X-15AA-1, Application for Registration as a National Securities Association

or as an Affiliated Securities Association, adopted by the Commission on July 7, 1939, effective July 13, 1939, was filed with the Division of the Federal Register, The National Archives, on July 24, 1939, at 11:15 a. m. (F. R. Doc. 39-2712). Requests for copies should be addressed to the Securities and Exchange Commission.

SECURITIES EXCHANGE ACT OF 1934

ADOPTION OF FORM X-15AJ-1

Form X-15AJ-1, Amendatory and/or Supplementary Statement to Registration Statement of a National Securities Association or an Affiliated Securities Association, adopted by the Commission on July 7, 1939, effective July 13, 1939, was filed with the Division of the Federal Register, The National Archives, on July 24, 1939, at 11:15 a. m. (F. R. Doc. 39-2713). Requests for copies should be addressed to the Securities and Exchange Commission.

SECURITIES EXCHANGE ACT OF 1934

ADOPTION OF FORM X-15AJ-2

Form X-15AJ-2, Annual Consolidated Supplement to Registration Statement of a National Securities Association or an Affiliated Securities Association, adopted by the Commission on July 7, 1939, effective July 13, 1939, was filed with the Division of the Federal Register, The National Archives, on July 24, 1939, at 11:14 a. m. (F. R. Doc. 39-2714). Requests for copies should be addressed to the Securities and Exchange Commission.

TITLE 24—HOUSING CREDIT

HOME OWNERS' LOAN CORPORATION

PART 402—LOAN SERVICE; PART 405—
RECONDITIONING

INCOME PRODUCING RECONDITIONING

Amending Parts 402 and 405 of Chapter IV, Title 24 of the Code of Federal Regulations.

Sections 402.10 and 405.03 are amended respectively to read as follows:

The General Manager, with the advice of the General Counsel, may authorize advances of Corporation funds for the accounts of borrowers, vendees and transferees to effect income producing reconditioning when he determines that (a) such advance is reasonably necessary to facilitate collection of the indebtedness owing to the Corporation from the borrower, vendee or transferee, whose account is delinquent or will inevitably become delinquent unless such advance is made, (b) the borrower, vendee or transferee is unable to finance satisfactorily such reconditioning otherwise and (c) such income producing re-

conditioning is in the best interest of the Corporation, all things considered.

The authority herein vested in the General Manager may be exercised also by the Regional Manager under procedure and limitations prescribed by the General Manager and the General Counsel, provided that any case in which the estimated cost of the income producing reconditioning exceeds \$500 shall be forwarded to the Home Office by the Regional Manager, together with his recommendation and the opinion and recommendation of the Regional Counsel as to examination of title and the form of security instrument to be taken, for the concurring recommendation of the Chief, Reconditioning Section, and the Deputy General Manager in Charge of Loan Service and final approval by the General Manager.

Income producing reconditioning may be authorized only under proper legal advice, and questions of waiver of examination of title or the form of note and mortgage or other security instrument that should be taken to secure such advance, shall be determined by the Legal Department. The Reconditioning Section shall direct and supervise all income producing reconditioning.

(Secs. 4 (a), 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132 as amended by Section 13 of the Act of April 27, 1934, 48 Stat. 647; 12 U.S.C. 1463 (a) (k))

(Effective August 1, 1939)

Adopted by the Federal Home Loan Bank Board on July 20, 1939.

[SEAL]

R. L. NAGLE,
Secretary.

[F. R. Doc. 39-2706; Filed, July 24, 1939;
9:14 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

PUBLIC DEBT SERVICE

[1939—Department Circular No. 617]

OFFERING OF COMMODITY CREDIT CORPORATION 5% PERCENT NOTES OF SERIES D, DUE AUGUST 1, 1941

JULY 24, 1939.

I. OFFERING OF NOTES

1. The Secretary of the Treasury, on behalf of the Commodity Credit Corporation, invites subscriptions, at par and accrued interest, from the people of the United States for notes of the Commodity Credit Corporation, designated 5% percent notes of Series D. The amount of the offering is \$200,000,000, or thereabouts.

II. DESCRIPTION OF NOTES

1. The notes will be dated August 1, 1939, and will bear interest from that date at the rate of 5% percent per annum, payable semiannually on February 1 and August 1 in each year until the principal amount becomes payable.

They will mature August 1, 1941, and will not be subject to call for redemption prior to maturity.

2. These notes are issued under the authority of the act approved March 8, 1938, (Public No. 442—75th Congress) which provides that these notes shall be fully and unconditionally guaranteed both as to interest and principal by the United States; that they shall be deemed and held to be instrumentalities of the Government of the United States, and as such they and the income derived therefrom shall be exempt from Federal, State, municipal, and local taxation (except surtaxes, estate, inheritance, and gift taxes); and that the notes shall be lawful investments and may be accepted as security for all fiduciary, trust, and public funds the investment or deposit of which shall be under the authority or control of the United States or any officer or officers thereof.

3. The authorizing act further provides that in the event the Commodity Credit Corporation shall be unable to pay upon demand, when due, the principal of, or interest on, such obligations, the Secretary of the Treasury shall pay to the holder the amount thereof which is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, and thereupon to the extent of the amount so paid the Secretary of the Treasury shall succeed to all the rights of the holders of such obligations.

4. Bearer notes with interest coupons attached will be issued in denominations of \$1,000, \$5,000, \$10,000 and \$100,000. The notes will not be issued in registered form.

III. SUBSCRIPTION AND ALLOTMENT

1. Subscriptions will be received at the Federal Reserve banks and branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve banks and the Treasury Department are authorized to act as official agencies. Others than banking institutions will not be permitted to enter subscriptions except for their own account. Subscriptions from banks and trust companies for their own account will be received without deposit but will be restricted in each case to an amount not exceeding one-half of the combined capital and surplus of the subscribing bank or trust company. Subscriptions from all others must be accompanied by payment of 10 percent of the amount of notes applied for. The Secretary of the Treasury reserves the right to close the books as to any or all subscriptions or classes of subscriptions at any time without notice.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of notes applied for, to make allotments in full upon applications for smaller amounts and to make reduced allotments upon, or to reject, applications for larger amounts, or to adopt any or all of said methods or such

other methods of allotment and classification of allotments as shall be deemed by him to be in the public interest; and his action in any or all of these respects shall be final. Allotment notices will be sent out promptly upon allotment, and the basis of the allotment will be publicly announced.

IV. PAYMENT

1. Payment at par and accrued interest, if any, for notes allotted hereunder must be made or completed on or before August 1, 1939, or on later allotment. In every case where payment is not so completed, the payment with application up to 10 percent of the amount of notes applied for shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States.

V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve banks of the respective districts, to issue allotment notices, to receive payment for notes allotted, to make delivery of notes on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive notes.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve banks.

[SEAL] HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 39-2724; Filed, July 24, 1939;
12:30 p. m.]

TITLE 32—NATIONAL DEFENSE

NATIONAL MUNITIONS CONTROL BOARD, DEPARTMENT OF STATE

PART 3—RULES OF PROCEDURE GOVERNING THE ISSUANCE OF LICENSES FOR THE EXPORTATION OF TIN-PLATE SCRAP DURING THE CALENDAR YEAR 1939

JULY 20, 1939.

§ 3.20 *Additional allotments—Authority.* The following rules of procedure are hereby prescribed, by and with the advice and consent of the National Munitions Control Board, to govern the issuance of additional allotments under the provisions of paragraph (5) of the rules of procedure prescribed by the Acting Secretary of State on December 16, 1938,¹ for the exportation of tin-plate scrap during the calendar year 1939:*

§ 3.21 *To whom granted.* Additional allotments will be granted to producers

¹ 3 F.R. 3071 DI.

*Sections 3.20 to 3.22 issued under the authority contained in E.O. No. 7297, Feb. 16, 1938; Sec. 1, 2, 49 Stat. 1140; 50 U.S.C. 86, 87; 32 CFR 3.12.

of tin-plate scrap only and will be assigned in the order of the receipt of requests therefor, provided that, in the event that it shall be necessary in order that the quantity of tin-plate scrap to be exported during the calendar year 1939 shall not exceed the total figure agreed upon by the National Munitions Control Board, the available balance of such total shall be apportioned among the applicants on the basis of their production during the first 6 months of 1939. Allotments will be based on the individual producer's request therefor with the provision that no allotment of more than 25 long tons shall exceed in amount 20 percent of the quantity of tin-plate scrap produced by him during the first 6 months of the calendar year 1939. No allotment assigned under the provisions of this paragraph to any one producer, including his affiliated or associated companies, shall exceed 1,000 long tons. Requests for allotments of 25 long tons or less may be granted in full, subject to the qualifications set forth in the following paragraph.*

§ 3.22 *Sworn statement of production.* No producer shall be eligible to receive an allotment under the provisions of paragraph (5) of the rules of procedure until the Secretary of State has received from him a sworn statement setting forth the quantity of tin-plate scrap, in long tons, produced by him during the first 6 months of the calendar year 1939, provided that requests for 25 long tons or less may be granted in full, without reference to the quantity of tin-plate scrap produced during the first 6 months of 1939, if the producer concerned presents convincing evidence, in the form of a sworn statement, establishing that he will, so far as can be foreseen, produced during the calendar year 1939 at least the equivalent of the allotment requested by him in excess of the total of any allotments previously assigned to him for export during the calendar year 1939. Sworn statements submitted under the provisions of this paragraph shall include the name and address of the producer, the name and location of each factory, and the quantity of tin-plate scrap produced at each factory.*

[SEAL] CORDELL HULL,
Secretary of State.

[F. R. Doc. 39-2701; Filed, July 22, 1939;
9:13 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

WAR DEPARTMENT

CHAPTER II.—RULES RELATING TO NAVIGABLE WATERS

PART 202—ANCHORAGE REGULATIONS

§ 202.27 *Delaware River, Delaware, explosives anchorage in vicinity of Reedy Island.*¹

¹ These regulations are supplementary to Title 33, Chapter II, Part 203, of the Code of Federal Regulations.

Under the provisions of Section 7 of the River and Harbor Act approved March 4, 1915, the following explosives anchorage area is established with rules and regulations pertaining thereto:

The Anchorage Area

(a) At the upper end of Artificial Island, to the eastward of the dredged channel along Reedy Island Range, northward of a line 103° from Reedy Island Light, extending upstream about 5,000 feet to a line 110° from the Quarantine Tank on Reedy Island, eastward of a line 500 feet from and parallel with the edge of the channel to the 26-foot curve of depth.

The Rules and Regulations

(b) (1) This anchorage area is intended primarily for vessels engaged in the transportation, storage, stowage and handling of explosives and other dangerous articles. No vessel not so engaged will be permitted to anchor in this anchorage area except in a case of emergency.

(2) The anchoring of vessels in this anchorage area shall be subject to supervision and approval of the District Engineer, Engineer Department at Large, in charge of the locality.

(3) Vessels shall be so anchored within this anchorage area that no portion of the hull or rigging shall at any time extend outside the boundaries of the anchorage area.

(4) Vessels within this anchorage area shall not be anchored closer than 500 feet within one another and not less than 500 feet from the edge of navigable channel.

(5) Every vessel whose crew may be reduced to such number that it will not have sufficient men on board to weigh anchor at any time shall be anchored with two anchors, with mooring swivel put on before the crew shall be reduced or released.

(6) The District Engineer is hereby empowered to shift the position of any vessel within this anchorage area whenever the maritime or commercial interests of the United States so require. A vessel upon being notified to move or shift its position must get under way at once and change position as directed with reasonable promptness.

(7) The owners of vessels or interests using the anchorage area shall comply with all Federal, State, and local rules and regulations governing the transportation, storage, stowage and handling of explosives and other dangerous articles.

(8) Nothing in these rules and regulations shall be construed as relieving the owner or person in charge of any vessel or plant from the penalties of the law for obstructing navigation or for obstructing or interfering with range lights, or for not complying with the navigation laws in regard to lights, fog signals, or for otherwise violating law. (Sec. 7, River and Harbor Act, March 4,

1915, 38 Stat. 1053; 33 U.S.C. 471) [Regs., June 23, 1939 (E.D. 7175 (Delaware River)—5/9)]

[SEAL]

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 39-2708; Filed, July 24, 1939; 9:36 a. m.]

Notices

TREASURY DEPARTMENT.

Federal Alcohol Administration Division.

DISTILLED SPIRITS LABELING AND ADVERTISING

DECISION ON CERTAIN PROPOSED AMENDMENTS TO REGULATIONS NO. 5

To All Importers, Bottlers and Wholesalers of Distilled Spirits:

Pursuant to notices of hearing issued by the Administration on March 17 and March 30, 1939,¹ public hearings were held in Washington, D. C. on April 27 and 28, 1939, upon fourteen proposals to amend the distilled spirits labeling and advertising regulations. The Administration has now completed its study and analysis of the testimony adduced upon several of these proposals and takes this occasion to advise the industry that Items 2, 4 (b), 5 (e), 6, and 12 (b) have been rejected. These proposals were as follows:

"2. To amend Article II, Class 6, and other pertinent sections of the regulations, in such manner as to establish a minimum proof of 60 degrees for all distilled spirits marketed as cordials or liqueurs."

"4 (b). That there be stated upon the labels of all Scotch type whiskey and Irish type whiskey, in direct conjunction with the class and type designation, a statement of the name of the country in which the product was produced, preceded by the words 'product of' or a similar appropriate phrase."

"5 (c). That where Scotch whiskey, rum, and other distilled spirits, imported in bulk and domestically bottled, are reduced in proof in the United States at the time of bottling, a statement to that effect be required to appear in conjunction with the required name and address statement upon the brand label."

"6. To amend Article III, Section 37, and other pertinent provisions of the regulations, in such manner as to permit the statement of net contents to be eliminated from the label in all cases where the net contents are displayed, by having the same legibly blown in the bottle, either on the back or on the front."

"12 (b). That all distilled spirits, whether domestically manufactured, domestically bottled, or imported, be pack-

aged in liquor bottles of the following sizes only: to wit, one gallon, one half gallon, one quart, one pint, one half pint, and one eighth pint, and that the following sizes of liquor bottles presently authorized for use as containers of distilled spirits be eliminated as standards of fill: to wit, four fifths quart, four fifths pint, one tenth pint, and one sixteenth pint."

In rejecting Proposal No. 2, dealing with the establishment of a minimum proof for cordials and liqueurs, the Administration is cognizant of the opinion expressed by various members of the industry that a minimum proof should be established for these products, but that all legitimate cordials and liqueurs would not be embraced within the proposed 60° minimum. The Administration, therefore, proposes to devote further consideration to this question with a view to the later adoption of some minimum which will embrace all legitimate cordials and liqueurs.

In rejecting Proposal No. 12 (b), the Administration is of the opinion that the question of more adequate information to the consuming public regarding the capacities of the various standards of fill can be obtained by a change in the labeling requirements, without the complete elimination of such sizes. This will require a new proposal at a public hearing. Such a hearing it is proposed to hold at some future date, after proper notice to all interested parties, but such a hearing will not be held until late in the fall.

With respect to the other proposals contained in the public hearing notices of March 17 and 30, 1939, the Administration announces that no decision has as yet been arrived at. Upon some of these proposals the testimony adduced at the public hearing was voluminous and will require extensive study and careful analysis and consideration before any definite action is taken. It is possible, with reference to some of the proposals on which evidence was taken, that the Administration may desire, at some future date, to take evidence upon proposals which are alternative to some of those considered at the public hearings on April 27 and 28, 1939.

This course of action may be found to be particularly appropriate in connection with the Administration's efforts to establish more effective standards of identity for brandy. It will be recalled that in the spring of 1938 evidence was taken on a proposal to establish a maximum distillation proof of 160° for brandy. This proposal has not been disposed of and the record of the hearing of April 27 and May 2,² held during 1938, on this question, has been kept open pending completion of scientific research under the auspices of the University of California. When such research is completed, it will be made a part of the pub-

¹ 4 F.R. 1267, 1395 DL.

² 3 F.R. 911 DL.

lic record and become subject to the scrutiny of the industry.

[SEAL] W. S. ALEXANDER,
Administrator.

JULY 22, 1939.

[F. R. Doc. 39-2705; Filed, July 22, 1939;
12:27 p. m.]

DEPARTMENT OF AGRICULTURE.

Forest Service.

WIDTSON PROJECT, UTAH

TRANSFER OF LANDS IN THE STATE OF UTAH
FROM THE SOIL CONSERVATION SERVICE TO
THE FOREST SERVICE FOR ADMINISTRATION,
PROTECTION AND MANAGEMENT

JULY 21, 1939.

By virtue of and pursuant to the authority vested in me by Title III of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (50 Stat. 522, 525), and Executive Order No. 7908, dated June 9, 1939, all lands within the Widtson Project (LU-UT-38-2), located in Garfield County, Utah, that hitherto have been acquired or are in process of acquisition by the United States under the provisions of the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (49 Stat. 115), and Title III of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (50 Stat. 522, 525), are hereby transferred from the Soil Conservation Service to the Forest Service, effective August 15, 1939, for protection, management and administration, under the laws applicable to said lands, and such rules and regulations as have been or hereafter may be promulgated consistent with the powers and authority vested in the Secretary of Agriculture by the aforesaid Executive Order, and the aforesaid Title III of the Bankhead-Jones Farm Tenant Act.

[SEAL] H. A. WALLACE,
Secretary.

[F. R. Doc. 39-2704; Filed, July 22, 1939;
11:52 a. m.]

DEPARTMENT OF COMMERCE.

Bureau of Marine Inspection and Navigation.

EXECUTIVE COMMITTEE OF THE BOARD OF SUPERVISING INSPECTORS

NOTICE OF MEETING

Pursuant to the authority conferred by Section 4405, R. S., I hereby call a meeting of an Executive Committee of the Board of Supervising Inspectors of the Bureau of Marine Inspection and Navigation, consisting of R. S. Field, Director; George Fried, Supervising Inspector of the Second District, New York, New York; and Eugene Carlson, Supervising Inspector of the Third District, Norfolk, Virginia, to take place in the Board Room of the Auditorium of

the Department of Commerce, commencing at 10:00 A. M. August 4, 1939, for the purpose of considering proposed amendments to the General Rules and Regulations, approvals of miscellaneous items of equipment for use on inspected vessels, and for the transaction of such other business as may come before the meeting.

A public hearing will commence coincidental with the meeting of the Executive Committee for the purpose of considering written and oral comments of the marine industry on the proposed amendments.

[SEAL] J. M. JOHNSON,
Acting Secretary of Commerce.

[F. R. Doc. 39-2725; Filed, July 24, 1939;
12:59 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

IN THE MATTER OF THE APPLICATION FOR
EXEMPTION OF THE SPRING FRESHET
DRIVING OF LUMBER IN THE STATES OF
MICHIGAN, MINNESOTA AND WISCONSIN
FROM THE MAXIMUM HOURS PROVISIONS
OF THE FAIR LABOR STANDARDS ACT OF
1938

Whereas, the Timber Producers' Association of Minnesota has filed an application with Elmer F. Andrews, Administrator of the Wage and Hour Division, United States Department of Labor for a determination that spring freshet driving of lumber in the States of Michigan, Minnesota and Wisconsin is a branch of an industry of a seasonal nature within the meaning of Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526¹ of the Regulations issued thereunder, and

Whereas, the Administrator determined, after a public hearing² held before him in Washington, D. C. on April 17 and 18, 1939, that the spring freshet driving branch of the lumber industry conducted in the States of Maine, New Hampshire, New York and Vermont is entitled to the seasonal exemption provided in Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of the Regulations issued thereunder, and

¹ 3 F. R. 2534, 3127 DI.

² 4 F. R. 94 DI.

Whereas, it is alleged in the application filed by the Timber Producers' Association of Minnesota that spring freshet driving in Michigan, Minnesota and Wisconsin is similar in all material respects to spring freshet driving in Maine, New Hampshire, New York and Vermont.

Now, therefore, upon consideration of the facts stated in the said application, the Administrator hereby determines, pursuant to Section 526.5 (c) of the Regulations that a *prima facie* case has been shown for the granting of an exemption, pursuant to Section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526 of the Regulations issued thereunder to the branch of the lumber industry which is engaged in spring freshet driving in the States of Michigan, Minnesota and Wisconsin.

In accordance with the procedure established by Section 526.5 (c) of the Regulations, the Administrator for fifteen days following the publication of this determination will receive objection to the granting of the exemption and request for hearing from any interested person. Upon receipt of objection and request for hearing, the Administrator will set the application for hearing before himself or an authorized representative.

If no objection and request for hearing is received within fifteen days, the Administrator will make a finding upon the *prima facie* case shown upon the application.

The application may be examined in Room 5144, U. S. Department of Labor, Washington, D. C.

Signed at Washington, D. C., this 20th day of July, 1939.

ELMER F. ANDREWS,
Administrator.

[F. R. Doc. 39-2702; Filed, July 22, 1939;
10:04 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS

Notice is hereby given that Special Certificates for the employment of learners at wages lower than the minimum wage applicable under Section 6 of the Fair Labor Standards Act of 1938 are issued to the following employers, subject to the following terms;

Name of firm	Number of learners	Industry	Occupation	Period	Beginning	Percent of minimum wage
H. Lang Co., 113 N. 2d St., River Falls, Wisconsin.	7	Apparel (overalls, Jackets and Pants).	Stitching....	8 weeks...	July 25, 1939	75
Elin Mfg. Corp., 501 Main St., Rochester, Indiana.	20	Apparel (Work Clothes)	Stitching....	8 weeks...	July 25, 1939	75
Normandy Frocks, Obion, Tenn.	25	Apparel (Dresses).....	Stitching....	8 weeks...	July 25, 1939	75
Ideal Mfg. Co., Main Street, Tilton, N. H.	10	Apparel (Dresses).....	Stitching....	8 weeks...	July 25, 1939	75

These Special Certificates are issued ex parte under Section 14 of the said Act and Section 522.5 (b) of Regulations Part 522, as amended.¹ For fifteen days following the publication of this notice the Administrator will receive detailed written objections to any of these Special Certificates and requests for hearing from interested persons. Upon due consideration of such objections as provided for in said Section 522.5 (b) such Special Certificates, or any of them, may be cancelled as of the date of their issuance and if so cancelled, reimbursement of all persons employed under such certificates must be made in an amount equal to the difference between the applicable statutory minimum wage and any lesser wage paid such persons.

Signed at Washington, D. C., this 20th day of July, 1939.

MERLE D. VINCENT,
Chief of Hearings and
Exemptions Section.

[F. R. Doc. 39-2709; Filed, July 24, 1939;
9:40 a. m.]

CIVIL AERONAUTICS AUTHORITY.

[Docket No. 275]

IN THE MATTER OF THE PETITION OF UNITED AIR LINES TRANSPORT CORPORATION FOR AN AMENDMENT TO ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR ROUTE No. 11, UNDER SECTION 401 (h) OF THE CIVIL AERONAUTICS ACT OF 1938, TO INCLUDE MARYSVILLE, CALIF., AS AN INTERMEDIATE POINT

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on August 7, 1939, 10 o'clock a. m. (Pacific Standard Time), at the Palace Hotel, San Francisco, Calif., before Examiner C. Edward Leasure.

Dated Washington, D. C., July 19, 1939.
By the Authority.

[SEAL] PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 39-2716; Filed, July 24, 1939;
12:11 p. m.]

[Docket No. 276]

IN THE MATTER OF THE PETITION OF UNITED AIR LINES TRANSPORT CORPORATION FOR AN AMENDMENT TO ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY FOR ROUTE No. 11, UNDER SECTION 401 (h) OF THE CIVIL AERONAUTICS ACT OF 1938, TO INCLUDE CHICO, CALIF., AS AN INTERMEDIATE POINT

NOTICE OF HEARING

The above-entitled proceeding is assigned for public hearing on August 7, 1939, 10 o'clock a. m. (Pacific Standard Time), at the Palace Hotel, San Fran-

cisco, Calif., before Examiner C. Edward Leasure.

Dated Washington, D. C., July 19, 1939.
By the Authority.

[SEAL] PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 39-2717; Filed, July 24, 1939;
12:11 p. m.]

[Docket No. 58-401 (E)-1]

IN THE MATTER OF THE APPLICATION OF ERIE ISLES AIRWAYS COMPANY, INC., FOR A PERMANENT CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 (E) OF THE CIVIL AERONAUTICS ACT OF 1938.

NOTICE OF POSTPONEMENT OF HEARING

Public hearing in the above-entitled proceeding, now assigned for July 24, 1939, is hereby postponed until September 29, 1939, 10 o'clock a. m. (Eastern Standard Time) at the offices of the Civil Aeronautics Authority (Hearing Room 1851) in Washington, D. C., before Examiner R. J. Bartoo.

Dated Washington, D. C., July 21, 1939.

ROBERT J. BARTOO,
Examiner.

[F. R. Doc. 39-2718; Filed, July 24, 1939;
12:11 p. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5580]

IN THE MATTER OF NEW ENGLAND POWER COMPANY

NOTICE OF APPLICATION

JULY 21, 1939.

Notice is hereby given that on July 20, 1939, an application was filed with the Federal Power Commission, pursuant to Section 203 of the Federal Power Act, by the New England Power Company, a corporation organized under the laws of the Commonwealth of Massachusetts and the State of Vermont and having its principal business office at 441 Stuart Street, Boston, Massachusetts, seeking an order authorizing the merger of its facilities subject to the jurisdiction of the Federal Power Commission with the electric facilities of the Bellows Falls Hydro-Electric Corporation, a corporation having its principal office at Bellows Falls, Vermont, and with certain of the electric facilities of the Connecticut River Power Company, a corporation having its principal office at Littleton, New Hampshire, said merger to be accomplished by the purchase of the property, assets and franchises of the Bellows Falls Hydro-Electric Corporation (except cash and except accounts receivable by the Bellows Falls Hydro-Electric Corporation from the New England Power Company), consisting principally of a hydro-electric generating plant on the Connecticut River and transmission lines used in connection

therewith, for a purchase price of \$12,-381,739.66 as of April 30, 1939, and the purchase by the New England Power Company of that portion of the so-called Bellows Falls-Pratts Junction transmission line located in New Hampshire, from the Connecticut River Power Company, which line connects the lines of the Bellows Falls Hydro-Electric Corporation and the lines of the New England Power Company, for a purchase price of \$672,-747.30 as of April 30, 1939; as more fully appears in the application on file with the Commission;

Any person desiring to be heard or to make any protest with reference to the said application should, on or before the 5th day of August 1939, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 39-2700; Filed, July 22, 1939;
9:13 a. m.]

RURAL ELECTRIFICATION ADMINISTRATION.

[Administrative Order No. 377]

ALLOCATION OF FUNDS FOR LOANS

JULY 20, 1939.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project Designation	Amount
Tennessee 0009F1 Macon	\$156,000

ROBERT B. CRAIG,
Assistant Administrator.

[F. R. Doc. 39-2699; Filed, July 22, 1939;
9:13 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 19th day of July, A. D. 1939.

[File No. 2-3185]

IN THE MATTER OF UNITY GOLD CORPORATION

ORDER FIXING EFFECTIVE DATE OF AMENDMENTS TO REGISTRATION STATEMENT AND DECLARING STATEMENT AMENDED IN ACCORDANCE WITH STOP ORDER

This matter coming on to be heard by the Commission upon the registration statement originally filed by Unity Gold Corporation of Butte, Montana, on May 25, 1937, and upon amendments to said

¹ 4 F.R. 2088 DI.

¹ 4 F.R. 1621 DI.

registration statement filed by said registrant on June 14, July 17, 22 and 23, and November 1, 1937, February 17, 1938, and January 3 and 16, February 21, May 12, June 28, and July 14, 1939, and the Commission having duly considered the matter and now being fully advised in the premises

It is declared, That said registration statement has been amended in accordance with the Stop Order issued on July 19, 1938,¹

It is ordered, That said Stop Order shall cease to be effective,

It is further ordered, That the said amendments shall become effective on July 19, 1939.

Attention is directed to Rules 800 (b) and 970 of the General Rules and Regulations, relating, respectively, to the requirements for the filing of twenty copies of the actual prospectus used and statement of price at which securities were actually offered.

Attention shall be directed to the provisions of Section 23, Securities Act of 1933, which follow: "Neither the fact that the registration statement for a security has been filed or is in effect nor the fact that a stop order is not in effect with respect thereto shall be deemed a finding by the Commission that the registration statement is true and accurate on its face or that it does not contain an untrue statement of fact or omit to state a material fact, or be held to mean that the Commission has in any way passed upon the merits of, or given approval to, such security. It shall be unlawful to make, or cause to be made, to any prospective purchaser any representation contrary to the foregoing provisions of this section."

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-2703; Filed, July 22, 1939;
11:01 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 21st day of July, A. D. 1939.

[File No. 32-143]

IN THE MATTER OF PETOSKEY GAS COMPANY AND AMERICAN UTILITIES SERVICE CORPORATION

EXEMPTION, ETC., ORDER

Petoskey Gas Company, a wholly owned subsidiary of American Utilities Service Corporation, a registered holding company, having duly filed with this Commission an application pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of Section

6 (a) of the Act with respect to the issue and sale of a 6% unsecured income note in the principal amount of \$23,500 and 5,000 shares of common stock with a par value of \$10 per share;

American Utilities Service Corporation having joined in the application of Petoskey Gas Company and having filed an application pursuant to Sections 10 (a) (1) and 12 (d) of the Public Utility Holding Company Act of 1935 for approval of the acquisition and pledge of the aforementioned note and common stock, in accordance with the terms of the trust indenture securing its Collateral Trust 6% bonds, Series A; and

A hearing¹ on said applications as amended having been duly held after appropriate notice; the record in this matter having been examined; and the Commission having made and filed its findings herein;

It is ordered, That the issue and sale by Petoskey Gas Company of such note and common stock be and the same hereby is exempted from the provisions of Section 6 (a) of the Public Utility Holding Company Act of 1935;

It is further ordered, That the aforementioned acquisition and pledge by American Utilities Service Corporation of said securities be and the same hereby is approved; and

It is further ordered, That this order be subject to the following terms and conditions:

(1) That all acts in connection with said applications as amended shall be performed in all respects as set forth in, and for the purposes represented by said applications as amended; and

(2) That in the event that the order of the Public Utilities Commission of the State of Michigan authorizing the issue of the aforesaid note and stock and the delivery of such note and stock to American shall be revoked, rescinded, or otherwise terminated the exemption granted herein shall immediately terminate without further notice or order of this Commission; and

(3) That within ten days after the issue and sale of the note and stock referred to herein and the acquisition and pledge of these securities by American the applicants shall respectively file with this Commission certificates of notification showing that such issue, sale, acquisition and pledge have been effected in accordance with the terms and conditions of, and for the purposes represented by, said applications as amended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-2710; Filed, July 24, 1939;
11:14 a. m.]

¹ 4 F.R. 2096 DI.

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 21st day of July, A. D. 1939.

[File No. 43-205]

IN THE MATTER OF MINNESOTA UTILITIES COMPANY AND AMERICAN UTILITIES SERVICE CORPORATION

ORDER RELATIVE TO DECLARATION AND AMENDED APPLICATION

Minnesota Utilities Company, a wholly-owned subsidiary of American Utilities Service Corporation, a registered holding company, having filed a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935 with respect to the issue and sale to the aforesaid American Utilities Service Corporation of 3,400 shares of Common stock without par value for a consideration of \$102,000;

American Utilities Service Corporation having joined in the declaration of Minnesota Utilities Company and having filed an application pursuant to Section 12 (d) of the Public Utility Holding Company Act of 1935 for approval of the pledge of the aforesaid 3,400 shares of common stock in accordance with the terms of the trust indenture securing its Collateral Trust 6% Bonds, Series A; and

A hearing¹ upon said declaration and application as amended, having been held after appropriate notice; the record in this matter having been examined; the Commission having made and filed its findings herein;

It is ordered, That said amended declaration be and become effective forthwith and that the said amended application be, and the same hereby is, approved, subject, however, to the following conditions:

(1) That all acts in connection with said declaration and said application shall be performed in all respects as set forth in, and for the purposes represented by, said declaration and said application, as amended; and

(2) That within ten days after the issue and sale of the stock referred to herein and the acquisition and pledge of such stock the declarant and the applicant shall file with this Commission certificates of notification showing that such issue, sale, acquisition, and pledge have been effected in accordance with the terms and conditions of, and for the purposes represented by, said declaration and said application, as amended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-2711; Filed, July 24, 1939;
11:14 a. m.]

¹ 4 F.R. 2133 DI.

¹ 3 F.R. 1776 DI.

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 21st day of July, A. D. 1939.

[File No. 1-178]

IN THE MATTER OF THE APPLICATION OF THE NEW YORK STOCK EXCHANGE TO STRIKE FROM LISTING AND REGISTRATION THE COMMON STOCK OF WELLS, FARGO AND COMPANY

ORDER GRANTING APPLICATION

The New York Stock Exchange having applied pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, to strike from listing and registration the Common Stock of Wells, Fargo and Company; and

A hearing having been held in this matter after appropriate notice;¹ and the Commission having this day made and filed its findings and opinion herein;

It is ordered, That the application of the New York Stock Exchange as to said securities be and hereby is granted, effective at the close of business on July 31, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-2720; Filed, July 24, 1939; 12:24 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 21st day of July, A. D. 1939.

[File No. 1-549]

IN THE MATTER OF THE APPLICATION OF THE NEW YORK STOCK EXCHANGE TO STRIKE FROM LISTING AND REGISTRATION THE SHARES, \$100 PAR VALUE, OF AMERICAN EXPRESS COMPANY

ORDER GRANTING APPLICATION

The New York Stock Exchange having applied pursuant to Section 12 (d) of the Securities Exchange Act of 1934, as amended, to strike from listing and registration the Shares, \$100 par value, of American Express Company; and

A hearing having been held on said application after appropriate notice;² and the Commission having this day made and filed its findings and opinion herein;

It is ordered, That the application of the New York Stock Exchange as to said

securities be and hereby is granted, effective at the close of business on July 31, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-2721; Filed, July 24, 1939; 12:24 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 22nd day of July, A. D. 1939.

[File No. 1-246]

IN THE MATTER OF THE APPLICATION OF THE NEW YORK STOCK EXCHANGE TO STRIKE FROM LISTING AND REGISTRATION THE COMMON STOCK WITHOUT PAR VALUE OF COLONIAL BEACON OIL COMPANY

ORDER GRANTING APPLICATION

The New York Stock Exchange having applied pursuant to Section 12 (d) of the Securities Exchange Act of 1934 to strike from listing and registration the common stock without par value of Colonial Beacon Oil Company; and

A hearing on appropriate notice having been held on said application;¹ the trial examiner having filed an advisory report; the Commission having considered the record and being fully advised in the premises, and having this day filed its findings of fact and opinion herein;

It is ordered, That the application of the New York Stock Exchange be and it is hereby granted effective at the close of business on August 1, 1939.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-2722; Filed, July 24, 1939; 12:24 p. m.]

United States of America—Before the Securities and Exchange Commission

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24 day of July, A. D. 1939.

[File No. 56-48]

IN THE MATTER OF WASHINGTON AND SUBURBAN COMPANIES

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 12 (d) of the Public Utility Holding Com-

pany Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on July 27, 1939, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before July 26, 1939.

The matter concerned herewith is in regard to the application of Washington and Suburban Companies, a registered holding company, pursuant to Section 12 (d) of the Public Utility Holding Company Act of 1935, and Rule U-12D-1 promulgated thereunder, for approval of the sale of 362,588 shares of the no par Common Stock of Washington Gas Light Company, one of its subsidiary companies. Of said number of 362,588 shares proposed to be sold, the applicant presently owns 327,588 shares and expects to acquire 35,000 shares in exchange for certain securities and other indebtedness of Alexandria Gas Company and Washington Suburban Gas Company. The proposed sale is to be made to the public through underwriters. The price at which the shares are to be initially offered and the price to be received by the applicant will be supplied by amendment.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-2723; Filed, July 24, 1939; 12:24 p. m.]

¹ 4 F.R. 455 DL.

² 4 F.R. 1365 DL.

³ 3 F.R. 3179 DL.